## REMARKS

Claims 1, 3, 5-11, 13, 15-19, 21 and 23-31 are pending in the present application. It is respectfully submitted that this Response is fully responsive to the Office Action dated February 2, 2007.

## Allowable Subject Matter:

Applicant gratefully acknowledges the indication that claims 7, 27 and 28 are allowable.

## As To The Merits:

As to the merits of this case, the Examiner relies on the newly cited references of Tamori et al. (U.S. 5,960,445) and cepulis et al. (U.S. 2004/0025002) in setting forth the following rejections:

1)       claims 1, 3, 5, 6, 8-11, 13, 15-19, 21 and 23-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lin (U.S. 2002/0099974, of record) in view of Tamori et al; and

2)       claims 29-31 are rejected under 35 U.S.C. §102(e) as being anticipated by Cepulis et al.

Each of these rejections is respectfully traversed.

Independent Claims 1, 11 and 19:

With regard to Applicant's argument that Lin fails to disclose the features of claim 1

concerning *executing an update of said BIOS by writing to said memory in standby*, the

Examiner appears to concur.

That is, the Examiner clearly acknowledges in the last paragraph of page 4 of the Action

that Lin does not explicitly teach the features of claim 1 concerning:

> *executing an update of said BIOS by writing to said memory in standby;*
> *permitting switching said memory in standby to in operation when the update of*
> *said BIOS in said memory in standby succeeded; and*
> *writing the BIOS of said memory switched to operation, to said memory switched*
> *to standby for redundancy after said switching.*

In order to compensate for the above-noted drawbacks and deficiencies of Lin, the

Examiner relies on the teaching of the secondary reference of Tamori. More specifically, the

Examiner asserts in page 5, lines 3-6 of the Action that Tamori discloses

> Updating a bios in the flash ROM board, is described in fig. 8, utilizing, the flast
> ROM board with two banks and the bank change circuit (fig. 6, 92, col. 6, lines
> 11-17) where the new zbios is supplied from the network interface card to the
> RAM 9fig. 8, s(, col. 6 lines 35-39) and the content of RAM is then written to
> bank A (figs. 10-18).

However, while Tamori may disclose performing a BIOS updating in which a new BIOS

supplied via a predetermined communication network is stored in the bank A 91a in steps s8 to

S13 of Fig. 8, see col. 7, lines 26-30, the process of updating the bank A 91a fails to include the

step of *permitting the switching of said memory in standby to in operation when the update of the bios in said memory in standby succeeded,* as called for in claim 1.

That is, while Tamori may disclose "in step S2, the CPU 51 changes the value of the bank state register 93 to change the bank A for the bank B,:[1] and "it moves the process to step S8 to change the value of the bank state register 93, thereby changing the bank B for the Bank A,"[2] wherein the bank state register 93 holds a value corresponding to one of the banks A and b which is to be used, it is respectfully submitted that such steps, S2 and S8, are not permitted after the updating of the blank A 91a is deemed succeeded in step S13. See col. 7, lines 21-25.

More importantly, Tamori clearly fails to disclose the last feature of claim 1 concerning *writing the BIOS of said memory switched to operation, to said memory switched to standby for redundancy after said switching.* That is, as shown in Fig. 18 of Tamori, at the end of the updating, the bank A 91a has the new-updated bios, whereas the bank b 91b has the current-old bios. Also, as shown in Fig. 10 before the updating process, the banks 91a and 91b also have different bios, current and old, respectively. As such, it is submitted that Tamori is simply not concerned with providing redundancy between the banks 91a and 91b by storing the same bios in each of these banks. Accordingly, it is submitted that Tamori is simply not concerned with

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[1] Please see col. 6, lines 44-45 of Tamori

[2] Please see the bridging sentence between columns 6 and 7 of Tamori

writing the new-updated BIOS of bank A 91a to the bank B 91b after the updating process is completed in step S13.

In view of the above, it is submitted that even if, assuming *arguendo*, the references Lin and Tamori are combined in the manner as suggested by the Examiner, such combination would still fail to teach or fairly suggest the features of claim 1 concerning *permitting switching said memory in standby to in operation when the update of said BIOS in said memory in standby succeeded; and writing the BIOS of said memory switched to operation, to said memory switched to standby for redundancy after said switching.*

It is also submitted that Lin and Tamori also fail to disclose or fairly suggest the features of independent claims 11 and 19 for at least the reasons set forth above with regard to independent claim 1.

Independent claims 29-31:

Independent claim 29 calls for a *redundant management method for BIOS, comprising he steps of: booting updated BIOS in a first memory; and copying the updated BIOS in the first memory to a second memory that stored BIOS before said updating after said booting.* Independent claims 30 and 31 include similar features.

With respect to these features of claim 29, the Examiner specifically relies in page 13 of

the Action on the disclosure set forth in paragraphs [0043] and [0046] of the applied reference of

Cepulis.

According to paragraph [0046] of Cepulis:

At 304, a change to the system bios 200 (FIG. 2) is detected. This change may be
detected by the back-up driver 204 (FIG. 2) or the boot manager 206 (FIG. 2). As
explained above, either the back-up driver 204 or the boot manager 206 may be
adapted to create a back-up of the system bios when the system BIOS is changed,
such as after a BIOS upgrade.

However, it is submitted that such disclosure fails to teach that the back-up of the system

BIOS is created after a cold boot or restart of the computer system 100. Instead, it is submitted

that as shown in the process flow diagram of Fig. 3, while a change to the bios is detected in step

304, it is submitted that the computer system is not rebooted until step 312. Therefore, the back-

up of the system bios is created in step 304 before the rebooting in step 312, and not after the

booting as required in claim 29.

As such, it is submitted that Cepulis fails to disclose or fairly suggest the features of

claim 29 concerning *copying the updated bios in the first memory to a second memory that*

*stored bios before said updating after said booting.*

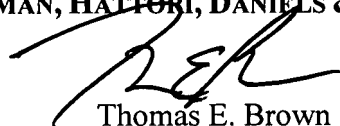Applicants believe that such arguments are also applicable to independent claims 30 and 31.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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